THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.19303 OF 2003

DATED 15.06.2007

BETWEEN:

Mullapudi Somaraju

… Petitioner

AND

The Special Deputy Collector (Tribal Welfare),
Kotaramachandrapuram, Buttaigudem Mandal,
West Godavari District and another.

… Respondents

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ORDER: (Per Hon'ble Sri Justice V.V.S.Rao)

In 1985, first respondent *suo motu* initiated action under Section 3(2)(a) of A.P.Scheduled Areas Land Transfer Regulation, 1959, as amended by Regulation 1 of 1970 (hereafter called, the Regulation) in S.R.No.121 of 1985 against the petitioner and his three brothers. It was alleged therein that the petitioner and his brothers were in occupation of the land admeasuring Acs.3.24 in R.S.No.263/2 in contravention of the provisions of Section 3(2)(a) of the Regulation. After conducting enquiry, first respondent disallowed the case for ejectment. In 2001, first respondent issued another notice and called upon the petitioner to attend the enquiry. Aggrieved by the same, the present writ petition is filed seeking its invalidation.

We have heard the learned counsel for petitioner and learned Assistant Government Pleader. Earlier proceedings were initiated in respect of the land in R.S.No.263/2 whereas the present notice, out of which, the writ petition arises, is in respect of lands comprised in survey Nos.263/2, 311/2, 313/1, 314/4 and 276/5 admeasuring Acs.2.22 situated at Buttaigudem Village.

Curiously, in the first paragraph of the notice issued by the first respondent, a reference is also made to land in R.S.No.263/2 admeasuring Acs.2.22. There is some irreconciliable element in the impugned notice vis-à-vis earlier order. Therefore, we are not inclined to express any opinion on

this. We leave it open giving liberty to petitioner to raise all the grounds before first respondent. Needless to mention that first respondent may issue fresh notice after receiving a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

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(G.V.SEETHAPATHY,J)

15.06.2007

Note: CC by 22.06.2007

(By order)

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